

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: H. Michael SHEPARD, et al.
Title: ENZYME CATALYZED
THERAPEUTIC COMPOUNDS
Appl. No.: 10/681,418
Filing Date: 10/7/2003
Examiner: Lawrence E. Crane
Art Unit: 1623
Confirmation Number: 7416

CERTIFICATE OF ELECTRONIC TRANSMISSION
I hereby certify that this paper is being electronically transmitted to the United States Patent and Trademark Office, Alexandria, Virginia via EFS-Web on the date below.

Laura Davis
(Printed Name)

(Signature)

January 23, 2008
(Date of Transmission)

TERMINAL DISCLAIMER

Mailstop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Your Petitioner, Celmed Oncology (USA), Inc., having its principal place of business at 2525 ave. Marie-Curie, Saint-Laurent, Quebec H4S 2E1, Canada, represents that it is the owner of the entire right, title, and interest in and to U.S. Patent Application Serial No. 10/681,418, filed October 7, 2003, which is a continuation of U.S. Patent Application No. 09/856,127, filed October 10, 2001, by virtue of an Assignment from the inventors to Newbiotics, Inc. filed and recorded on September 29, 2005, on Reel/Frame 016614/0051, in the United States Patent and Trademark Office. Newbiotics, Inc. subsequently changed its name to Celmed Oncology (USA), Inc. A copy of the change in name was recorded on September 29, 2005, on Reel/Frame 016614/0058, in the United States Patent and Trademark Office. Further, your Petitioner represents that it is the owner of U.S. Patent No. 6,683,061, which issued on

U.S. Patent Application No. 09/856,127, filed October 10, 2001, by virtue of an Assignment from the inventors to Newbiotics, Inc. filed and recorded on October 10, 2001, on Reel/Frame 012291/0920, in the United States Patent and Trademark Office. Newbiotics, Inc. subsequently changed its name to Celmed Oncology (USA), Inc. A copy of the change in name was recorded on November 17, 2004, on Reel/Frame 015370/0136, in the United States Patent and Trademark Office.

Your Petitioner, Celmed Oncology (USA), Inc., hereby disclaims the terminal part of the term of any patent granted on the above identified patent application which would extend beyond the full statutory term, as shortened by any terminal disclaimer, of U.S. Patent 6,683,061, and hereby agrees that any patent so granted on the above identified patent application shall be enforceable only for and during such period that the legal title to U.S. Patent 6,683,061 shall be the same as the legal title to any patent granted on the above identified patent application, this agreement to run with any patent granted on the above identified patent application and to be binding upon the grantee, its successors or assigns.

In making the above disclaimer, Petitioner does not disclaim any terminal part of any patent granted on the above identified patent application, prior to the full statutory term of U.S. Patent 6,683,061 as defined in 35 U.S.C. §§154-156 and 173, in the event that U.S. Patent 6,683,061 expires for failure to pay a maintenance fee, is held unenforceable or is found invalid in a final judgment by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR §1.321(a), has all claims canceled by a reexamination certificate or as a result of an interference proceeding, or is otherwise not deemed to provide the rights conveyed by 35 USC §154, prior to the full statutory term of U.S. Patent 6,683,061 as defined in 35 USC §§154-156 and 173, except for the separation of legal title stated above. Further, Petitioner does not disclaim any terminal part of a patent granted on the above identified patent application that would extend beyond the present termination of U.S. Patent 6,683,061, in the event that such present term is extended by virtue of

compliance with the conditions for term extension of any present or future patent term extension provisions of the patent law, including but not limited to 35 U.S.C. §§155, 155A or 156, and without waiving Petitioner's right to extend the term of a patent granted on the above identified patent application to the extent provided by law.

The undersigned, being the Attorney of Record for the above identified patent application, and duly authorized to act on behalf of Petitioner, certifies that she has reviewed the above-referenced Assignments, and to the best of her knowledge and belief, legal title to the above identified patent application and U.S. Patent 6,683,061 rests with Petitioners, Celmed Oncology (USA), Inc. The undersigned declares that all statements made herein of her own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the above-identified application or any patent issuing therefrom.

Respectfully submitted,

Date January 23, 2008

FOLEY & LARDNER LLP
Customer Number: 38706
Telephone: (650) 251-1129
Facsimile: (650) 856-3710

By Antoinette F. Konski

Antoinette F. Konski
Attorney for Applicant
Registration No. 34,202